

**ZONING BOARD OF APPEALS
MINUTES OF MEETING
MAY 8, 2014**

Town of Bedford
Bedford Town Hall
Lower Level Conference Room

PRESENT: Angelo Colasante, Chair; Jeffrey Cohen, Vice Chair; Carol Amick, Clerk; Todd Crowley; Jeff Dearing; Michelle Puntillo; Kay Hamilton; Arthur Smith

ABSENT: None

GUEST: Christopher Laskey, Code Enforcement Director

PRESENTATION: Ms. Amick read the notice of the hearing.

PETITION #028-14 – CONTINUATION – Jennine Cortizas Blum, for 5 Maxwell Road, seeks a Special Permit per Sections 7.1.2 and 7.1.4 of the Zoning Bylaw to construct deck within rear yard setback and to construct roof over steps within front yard setback.

Ms. Blum greeted the Board and handed out a revised packet containing photographs and an updated plot plan showing specific dimensions for the rear yard deck and roof over the front steps.

Mr. Colasante thanked the applicant for the updated information and reminded her and the other Board members that the first hearing for this application had been continued to allow the Board to perform a site visit. He said he went to the site and did observe the steep change in slope from 5 Maxwell Road down to 99 Fletcher Road. He said he was able to see the fence and the retaining wall and was grateful to see the site to get a better understanding of the topography.

The Board members talked more about what they had seen at the site visit and the photographs included in the new submission. There was discussion about the shape of the original house and how it related to the new structure and the deck. Mr. Cohen noted that it looked like the original sunroom was in approximately the same location as the proposed deck. Ms. Blum said that was correct.

Mr. Colasante stated that, at the last meeting, there was discussion about the proposed deck being included on the approved Building Permit plans. Christopher Laskey, the Code Enforcement Director, said that the local Building Inspector, Dan Sullivan, had a verbal understanding with the contractor that the deck was not approved and needed Zoning Board approval. He said that Mr. Sullivan did not require a new set of plans without the deck shown because it would be an extra expense for the contractor. He said this may have caused some confusion at the last meeting and he apologized for any

misunderstanding; he noted that they would be sure that there was better documentation in the future for these kinds of circumstances.

Carla Bradford, of 99 Fletcher Road, said the Board members viewed the property and now had a better understanding of her concerns. She said that her concerns remain the same and she still worried that this proposed deck would be too close and not allow her as much privacy as she had with the previous house.

Mr. Colasante brought up the possibility of including a condition in the Special Permit requiring the applicants to maintain or replace the fence along the property line to shield the deck from Ms. Bradford's property. After further discussion, the Board agreed to condition the Special Permit upon the applicant providing six feet-high screening – whether it is a fence or a row of trees or other type of landscaping between the properties would be worked out by the neighbors.

With no further comments or questions from those in attendance, Mr. Colasante closed the public hearing.

DELIBERATIONS:

Mr. Colasante said that this seemed to be a neighborhood under transition, with several additions and new homes in the area. He said that several of the lots had varying grades and slopes, and while he understood the neighbor's concerns about the slope between the lots, he also felt that it was unfair to penalize the applicant for trying to maximize the footprint on such a difficult lot.

Ms. Amick said that, given the fact that the proposed deck is essentially within the same setbacks of the old house, she had no objection to it. She said she believed this house was a nice addition to the neighborhood.

Mr. Dearing said that he could also support the application since the deck was essentially in the same location as the old sunroom, and a deck was a more minimal use than a sunroom, in that it could only be used for part of the year.

Mr. Crowley said that he had been struggling with this application at the last meeting, but after hearing the comments about the deck being in the same basic footprint as the original house, he felt more comfortable about it. He said that he could support this application.

Ms. Puntillo, Ms. Hamilton, and Mr. Smith all said they agreed with what had been stated already and all supported the petition.

Mr. Cohen said he originally thought he would vote to deny this application, but after hearing discussion from the Board tonight and looking at the shape of the new deck as overlaid on the plot plan showing the old house, his concerns had been alleviated.

For clarification purposes, Mr. Colasante asked the applicant whether she would have any problem with a condition of the Special Permit that the deck would never be enclosed. Ms. Blum said she had no issues with such a condition.

MOTION:

Ms. Amick moved to grant to Jennine Cortizas Blum, for 5 Maxwell Road, a Special Permit per Sections 7.1.2 and 7.1.4 of the Zoning Bylaw to construct deck within rear yard setback and to construct roof over steps within front yard setback, substantially as shown on Exhibit A (composite plot plan) and subject to the following conditions:

- 1) The deck shall not be enclosed;
- 2) The petitioner shall maintain screening of 6 foot elevation consistently along the rear property line adjacent to 99 Fletcher Road.

Mr. Cohen seconded the motion.

Voting in favor: Colasante, Cohen, Amick, Crowley, and Hamilton

Voting against: None

Abstained: None

The motion carried unanimously, 5-0-0.

Mr. Colasante explained that the Board had 14 days to write a decision, after which time there was a 20-day appeal period. The applicant was then responsible for getting the decision recorded at the Registry of Deeds. Once the decision was recorded, barring any appeals, the applicant may apply for a Building Permit at the Code Enforcement Department.

BUSINESS SESSION:

The Board talked with Mr. Laskey about the approval process for building plans, and how the process could be streamlined and better documented in the future.

Mr. Colasante explained that the Selectmen were polling each Bedford board and commission regarding interest in the use of the new audio/visual equipment in the Selectmen's Meeting Room, and allowing a quorum with some members calling in remotely. The consensus was that the Board was in favor of the Town pursuing such a goal, although this Board would most likely not be inclined to use it.

Meeting Minutes

Mr. Colasante called for a motion to approve the most recent set of minutes.

MOTION:

Mr. Cohen moved to approve minutes of the April 24, 2014 meeting, as written.

Mr. Dearing seconded the motion.

Voting in favor: Colasante, Cohen, Amick, Crowley, Hamilton, and Smith

Voting against: None

Abstained: Dearing and Puntillo

The motion carried, 6-0-2.

Adjournment

Mr. Dearing moved to adjourn the meeting.

Ms. Amick seconded the motion.

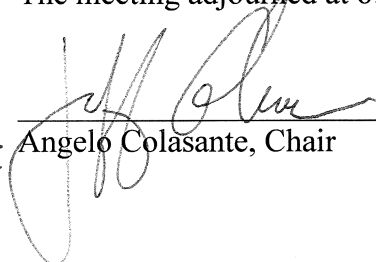
Voting in favor: Colasante, Cohen, Amick, Dearing, Crowley, Puntillo, Hamilton, and Smith

Voting against: None

Abstained: None

The motion carried unanimously, 8-0-0.

The meeting adjourned at 8:40 PM.

FOR  5/22/14

Angelo Colasante, Chair Date

Respectfully Submitted,

Scott Gould
ZBA Assistant